

2003 DRAFTING REQUEST**Bill**Received: **02/07/2003**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**By/Representing: **Chris**This file may be shown to any legislator: **NO**Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Schneider@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring certain notices on CD's and DVD's

Instructions:

Require that CD's and DVD's contain a statement on the cover in bold print stating whether the CD or DVD can be recorded digitally to a blank CD

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State Crime
/P1	rkite 03/05/2003	csicilia 03/07/2003	chaskett 03/07/2003		sbasford 03/07/2003		State Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 03/12/2003	csicilia 03/12/2003	jfrantze 03/12/2003	_____	mbarman 03/12/2003	mbarman 03/12/2003	State Crime
/2	rkite 03/19/2003	csicilia 03/21/2003	jfrantze 03/21/2003	_____	amentkow 03/21/2003	mbarman 04/03/2003	State Crime
/3	rkite 04/09/2003	csicilia 04/09/2003 csicilia 04/23/2003	chaskett 04/23/2003	_____ _____ _____	sbasford 04/23/2003	sbasford 04/23/2003	

FE Sent For:

<END>

A4
Intro.

2003 DRAFTING REQUEST**Bill**Received: **02/07/2003**Received By: **rkite**Wanted: **As time permits**

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/?				_____			State
				_____			Crime
/P1	rkite	csicilia	chaskett	_____	sbasford		State
	03/05/2003	03/07/2003	03/07/2003	_____	03/07/2003		Crime

04/03/2003 03:36:46 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/2	rkite 03/19/2003	csicilia 03/21/2003	jfrantze 03/21/2003	_____	amentkow 03/21/2003	mbarman 04/03/2003	

83/100
4/23

FE Sent For:

13 95 4/10
03 3 4/23
<END>

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Still waiting
for returned jacket

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*return of
jacket has
been requested
RDK*

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/P1	rkite 03/05/2003	csicilia 03/07/2003	chaskett 03/07/2003	_____	sbasford 03/07/2003		State Crime

6/3/21 6/3/21

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/1	rkite 03/12/2003	csicilia 03/12/2003	jfrantze 03/12/2003	_____	mbarman 03/12/2003	mbarman 03/12/2003	

FE Sent For:

1/2 cjs 3/20
03

<END>

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11 3/12 3/12 3/12
03

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jacket
RNK

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1?	rkite	PI qs 3/6 03	PI CPH 3/7	rs/cph 3/7			

FE Sent For:

<END>

Kite, Robin

From: Groppa, Chris
Sent: Monday, February 10, 2003 12:18 PM
To: Kite, Robin
Subject: Rep. Schneider's CD/DVD bill

Dear Ms. Kite,

Thank you for responding to my office regarding this potential legislation. Representative Schneider would like to introduce a bill stating that on any CD or DVD sold in the state of Wisconsin there must be an indication on the packaging as to whether the disc can be copied. It has come to the Representative's attention that some discs may be copied or "burned" to blank discs and others may not and he wants to make a distinction between the two for the benefit of the consumers of this state. Please have this drafted on behalf of Representative Schneider. If you have any further questions, please call my office at 6-0215.

Thank you,

Chris Groppa
Staff Intern
Representative Marlin Schneider's Office



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1986/P1

RNK:/:....

gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: two spellings
for disc/disk are
used in this bill -
each is correct
where used - do
not change

Gen cat

1 AN ACT...; relating to: notices required on the package of compact discs and
2 digital video discs.

on a computer disc
drive or a disc player

Analysis by the Legislative Reference Bureau

This bill prohibits any person from selling compact discs or digital video discs unless the front of the package in which the disc is sold states whether the recording on the disc is capable of being copied onto a blank optical disk and, if so, whether the the copied recording is capable of then being played in the same manner as the original disc. Under the draft, both compact discs and digital video discs are defined as types of optical disks.

CRIME

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 100.176 of the statutes is created to read:

4 100.176 Notices required on compact and digital video discs. (1) In this
5 section:

6 (a) "Compact disc" means a small optical disk containing recorded ~~music~~ sound

*remove
xtra space*

1 (b) "Digital video disc" means an optical disk containing a video recording. ✓

2 (2) No person may sell, or offer to sell, a compact disc unless the front of the
3 package in which the compact disc is sold or offered for sale states, in a conspicuous
4 manner as determined by the department, whether the recording contained on the
5 compact disc is capable of being copied onto a blank optical disk and, if so, whether
6 the optical disk containing the copied recording is capable of being played on a
7 compact disc player or computer compact disc drive. ✓

8 (3) No person may sell, or offer to sell, a digital video disc unless the front of
9 the package in which the digital video disc is sold or offered for sale states, in a
10 conspicuous manner as determined by the department, whether the recording
11 contained on the digital video disc is capable of being copied onto a blank optical disk
12 and, if so, whether the optical disk containing the copied recording is capable of being
13 played on a digital video disc player or computer digital video disc drive.

14
15 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1986/P1dn

RNK:/.....

if 5

I have prepared this draft in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent.

As instructed, this draft requires that CD and DVD packages contain a statement about whether the CD or DVD may be copied onto a blank disc. Upon doing research for this draft, I learned that even if a disc is capable of being copied onto a blank disc, it may be encrypted in such a manner that it is not playable on a compact or video disc player or on a computer disc drive. Or, it may be playable on a disc player but not on a computer disc drive. Consequently, the draft also requires that the disc package state whether a copied disc is capable of being replayed on such players or disc drives. If this is not what you intended, please let me know and I will redraft accordingly. ←

I was not certain whether you wanted the notice on the disc package to also specify whether any copyright laws prohibited copying. If you intended the statement to also cover possible copyright restrictions, please let me know and I will research this issue further and redraft as necessary. ✓

Please note that current law, under s. 990.001 (25g), contains a definition of "optical disk". This draft defines both compact discs and digital video discs as types of optical disks.

→ The draft does not create a specific penalty. Accordingly, a person who violates the provisions of this draft would be subject to the penalties under s. 100.26 (1) in current law. If you would like a different penalty to apply, please let me know. ✓

If you have any other questions concerning this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

✓ I have placed the provisions of this draft under ch. 100, state, which concerns marketing and trade practices. Chapter 100 is generally administered by DATCP. Is this consistent with your intent?

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1986/P1dn
RNK:cjs:cph

March 7, 2003

I have prepared this draft in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent.

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If you have any other questions concerning this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Kite, Robin

From: Basford, Sarah
Sent: Monday, March 10, 2003 7:53 AM
To: Kite, Robin
Cc: Gibson-Glass, Mary
Subject: FW: Draft review: LRB 03-1986/P1 Topic: Requiring certain notices on CD's and

-----Original Message-----

From: Schneider, Marlin
Sent: Sunday, March 09, 2003 12:31 PM
To: Basford, Sarah
Subject: RE: Draft review: LRB 03-1986/P1 Topic: Requiring certain notices on CD's and DVD's

Please prepare for introduction as you have drafted this item. Thanks. Thanks, too, for the addition. I think that is a very good one. - Marlin Schneider

-----Original Message-----

From: Basford, Sarah
Sent: Friday, March 07, 2003 2:22 PM
To: Rep.Schneider
Subject: Draft review: LRB 03-1986/P1 Topic: Requiring certain notices on CD's and DVD's

Following is the PDF version of draft LRB 03-1986/P1 and drafter's note.

03/12/2003



[soon]

State of Wisconsin
2003 - 2004 LEGISLATURE

RMR
11
LRB-1986/PM

RNK:cjs:cph
T
Stans

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger cat.

1 AN ACT *to create* 100.176 of the statutes; **relating to:** notices required on the
2 package of compact discs and digital video discs.

Analysis by the Legislative Reference Bureau

This bill prohibits any person from selling compact discs or digital video discs unless the front of the package in which the disc is sold states whether the recording on the disc is capable of being copied onto a blank optical disk and, if so, whether the the copied recording is capable of then being played on a computer disc drive or a disc player in the same manner as the original disc. Under the draft, both compact discs and digital video discs are defined as types of optical disks.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 100.176 of the statutes is created to read:

4 **100.176 Notices required on compact and digital video discs. (1)** In this
5 section:

1 (a) "Compact disc" means a small optical disk containing recorded sound.

2 (b) "Digital video disc" means an optical disk containing a video recording.

3 (2) No person may sell, or offer to sell, a compact disc unless the front of the
4 package in which the compact disc is sold or offered for sale states, in a conspicuous
5 manner as determined by the department, whether the recording contained on the
6 compact disc is capable of being copied onto a blank optical disk and, if so, whether
7 the optical disk containing the copied recording is capable of being played on a
8 compact disc player or computer compact disc drive.

9 (3) No person may sell, or offer to sell, a digital video disc unless the front of
10 the package in which the digital video disc is sold or offered for sale states, in a
11 conspicuous manner as determined by the department, whether the recording
12 contained on the digital video disc is capable of being copied onto a blank optical disk
13 and, if so, whether the optical disk containing the copied recording is capable of being
14 played on a digital video disc player or computer digital video disc drive.

15
16 (END)

Barman, Mike

From: Barman, Mike
Sent: Wednesday, March 12, 2003 12:35 PM
To: Rep.Schneider
Subject: LRB-1986/1 (attached - for your review)



03-1986/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Barman, Mike

From: Barman, Mike
Sent: Thursday, March 13, 2003 7:57 AM
To: Kite, Robin; Gibson-Glass, Mary; Rep.Schneider
Subject: FW: LRB-1986/1 (attached - for your review)

Representative Schnieder -

I forwarded you comments to the drafter. If you wish to have this re-drafted we will also need you to return the bill jacket from the "/1" version before we can send you out a "/2".
Thanks,

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

-----Original Message-----

From: Schneider, Marlin
Sent: Wednesday, March 12, 2003 4:49 PM
To: Barman, Mike
Subject: RE: LRB-1986/1 (attached - for your review)

In reading the language of the bill I think it should also contain language to provide for copying to digital audio tape, digital video tape or analog tape. Thanks. - Marlin

-----Original Message-----

From: Barman, Mike
Sent: Wednesday, March 12, 2003 12:35 PM
To: Rep.Schneider
Subject: LRB-1986/1 (attached - for your review)

<< File: 03-1986/1 >>

Mike Barman

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Kite, Robin

From: Barman, Mike
Sent: Thursday, March 13, 2003 7:57 AM
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To: Rep.Schneider
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Mike Barman

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(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

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Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703



(soon)

State of Wisconsin
2003 - 2004 LEGISLATURE

Rm Run
12
LRB-1986/2
RNK:cjs:jf
T
Stays

2003 BILL

Requ^{ent}

1 AN ACT *to create* 100.176 of the statutes; **relating to:** notices required on the
2 ~~packages~~ of compact discs ~~and~~ digital video discs, *videotapes, and audiotapes*

prerecorded

audiotapes, or videotapes

Analysis by the Legislative Reference Bureau *disc or tape*

This bill prohibits any person from selling compact discs, *or tape* digital video discs, unless the front of the package in which the disc is sold states whether the recording on the disc is capable of being copied onto a blank ~~compact disc~~ and, if so, whether the copied recording is capable of then being played *on a computer disc drive or a disc player* in the same manner as the original ~~disc~~. Under the draft, both compact discs and digital video discs are defined as types of optical discs.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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3 SECTION 1. 100.176 of the statutes is created to read:

4 100.176 Notices required on ~~compact and digital video discs~~. (1) In this

5 section:

certain recordings } (B)

BILL

SECTION 1

1 (a) "Compact disc" means a small optical disk containing recorded sound.

2 (b) "Digital video disc" means an optical disk containing a video recording.

3 (2) No person may sell, or offer to sell, a compact disc unless the front of the
4 package in which the compact disc is sold or offered for sale states, in a conspicuous
5 manner as determined by the department, whether the recording contained on the
6 compact disc is capable of being copied onto a blank optical disk and, if so, whether
7 the optical disk containing the copied recording is capable of being played on a
8 compact disc player or computer compact disc drive.

9 (3) No person may sell, or offer to sell, a digital video disc unless the front of
10 the package in which the digital video disc is sold or offered for sale states, in a
11 conspicuous manner as determined by the department, whether the recording
12 contained on the digital video disc is capable of being copied onto a blank optical disk
13 and, if so, whether the optical disk containing the copied recording is capable of being
14 played on a digital video disc player or computer digital video disc drive.

15 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1986/lins
RNK:cjs:jf

Insert

(2) No person may sell, or offer to sell, a prerecorded compact disc, digital video disc, videotape, or audiotape unless the package in which it is sold or offered for sale states, in a conspicuous manner as determined by the department, whether the recording on the prerecorded compact disc, digital video disc, videotape, or audiotape is capable of being copied onto a blank compact disc, digital video disc, videotape, or audiotape, respectively, and if so, whether the copy can be ~~being~~ played on all of the same kind^s of equipment as the original prerecorded compact disc, digital video disc, videotape, or audiotape ~~can be played~~.

Mentkowski, Annie

From: Mentkowski, Annie
Sent: Monday, March 31, 2003 10:16 AM
To: Rep.Schneider
Subject: Redraft of LRB-1986

Hello,

I wanted to follow up with your office regarding LRB-1986. The re-draft is completed and it is ready to be sent to your office. However, we have not received the jacket back. We can not jacket the most recent version until we receive the old jacket. Please do not hesitate to contact us, if you have an questions, 266-3561.

Thanks

Annie Mentkowski
Legislative Program Assistant
Legislative Reference Bureau
(608) 266-3561
annie.mentkowski@legis.state.wi.us

03/31/2003

Schneider, Marlin

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Sent: Monday, March 31, 2003 10:16
To: Rep.Schneider
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Thanks

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Legislative Program Assistant
Legislative Reference Bureau
(608) 266-3561
annie.mentkowski@legis.state.wi.us

03/31/2003



~~Boon~~ TODAY
State of Wisconsin
2003 - 2004 LEGISLATURE

RMR
13
LRB-1986
RNK:cjs:je
Stays

D-Note

2003 ASSEMBLY BILL

- 1 AN ACT to create 100.176 of the statutes; relating to: notices required on the
2 packages of compact discs, ^{and} digital video discs, ~~videotapes and audiotapes~~

Analysis by the Legislative Reference Bureau

This bill prohibits any person from selling prerecorded compact discs, ~~digital video discs, audiotapes, or videotapes~~ unless the front of the package in which the disc ~~or tape~~ is sold states whether the recording on the disc ~~or tape~~ is capable of being copied onto a blank disk ~~or tape~~; and, if so, whether the copied recording is capable of then being played in the same manner as the original.

Insert Analysis → Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 100.176 of the statutes is created to read:
4 100.176 Notices required on certain recordings. (1) In this section:

ASSEMBLY BILL

SECTION 1

1 (a) "Compact disc" means a small optical disk containing, or capable of
2 containing, recorded sound.

3 (b) "Digital video disc" means an optical disk containing, or capable of
4 containing, a ~~video~~^{visual} recording.

5 (2) No person may sell, or offer to sell, a prerecorded compact disc, digital video
6 disc, ~~videotape, or audiotope~~^{digital digital or analog tape} unless the package in which it is sold or offered for sale
7 states, in a conspicuous manner as determined by the department, ~~whether the~~^{all of the following:}
8 recording on the prerecorded compact disc, digital video disc, videotape, or audiotape
9 is capable of being copied onto a blank compact disc, digital video disc, videotape, or
10 audiotape, respectively, and if so, whether the copy can be played on all of the same
11 kinds of equipment as the original prerecorded compact disc, digital video disc,
12 videotape, or audiotape.

13 (END)

insert
2-12

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1986/3ins.
RNK:.....

INSERT ANALYSIS

This bill prohibits any person from selling a prerecorded compact disc (CD) or digital video disc (DVD) unless the front of the package in which the CD or DVD is sold states whether the recording on the CD or DVD is capable of being copied onto a different CD or DVD or onto an audiotape or videotape. If a CD package states that the CD is capable of being copied onto a different CD, it must also state whether the copy is capable of being played on a CD player or a computer CD drive. If the package states that the CD is capable of being copied onto an audiotape, it must also state whether the copy is capable of being played on an audiotape player.

Similarly, the bill provides that if the package of a DVD states that the DVD is capable of being copied onto a different DVD, it must also state whether the copy is capable of being played on a DVD player or a computer DVD drive. If the package states that the DVD is capable of being copied onto a videotape, it must also state whether the copy is capable of being played on a videotape player. ✓

INSERT 2-12

(2) No person may sell, or offer to sell, a prerecorded compact disc unless the package in which the compact disc is sold or offered for sale states, in a conspicuous manner as determined by the department, all of the following:

(a) Whether the prerecorded compact disc is capable of being copied onto a different compact disc. ✓

(b) Whether the prerecorded compact disc is capable of being copied onto an audiotape.

(c) If the prerecorded compact disc is capable of being copied onto a different compact disc, whether the ~~copied compact disc~~ ^{copy} is capable of being played on a compact disc player or a computer compact disc drive.

(d) If the prerecorded compact disc is capable of being copied onto an audiotape, whether the ~~copied audiotape~~ ^{copy} is capable of being played on a audiotape player.

(3) No person may sell, or offer to sell, a prerecorded digital video disc unless the package in which the digital video disc is sold or offered for sale states, in a conspicuous manner as determined by the department, all of the following:

(a) Whether the prerecorded digital video disc is capable of being copied onto a different digital video disc.

(b) Whether the prerecorded digital video disc is capable of being copied onto a videotape.

(c) If the prerecorded digital video disc is capable of being copied onto a different digital video disc, whether the ~~copied digital video disc~~ is capable of being played on a digital video disc player or computer digital video disc drive.

(d) If the prerecorded digital video disc is capable of being copied onto a videotape, whether the ~~copied videotape~~ is capable of being played on a videotape player.

copy

copy

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1986/3dn

RNK:/:....

ej^s

Please note the following with regard to this redraft:

1. I have revised the definition of "digital video disc" slightly for the purpose of clarity. ✓
2. Consistent with my understanding of the objective of this proposal, this redraft requires certain information on the packages of only CD's and DVD's. The previous version of this draft also required this information to be included on packages of audiotapes and videotapes. The draft does, however, require that the packages of CD's and DVD's include information about whether CD's and DVD's may be copied onto audiotapes and videotapes.
3. I have assumed, for purposes of this draft, that you did not intend to include CD's containing only computer programs within the scope of the proposal. As drafted, however, such CD's are arguably included. It is very difficult to define the terms "compact disc" and "digital video disc" in such a way as to absolutely exclude all such types of CD's. Please contact me if the definitions in the draft are broader in scope than you intended.

Please feel free to contact me if you have any other questions concerning this draft.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1986/3dn
RNK:cjs:cph

April 23, 2003

Please note the following with regard to this redraft:

1. I have revised the definition of "digital video disc" slightly for the purpose of clarity.
2. Consistent with my understanding of the objective of this proposal, this redraft requires certain information on the packages of CD's and DVD's only. The previous version of this draft also required this information to be included on packages of audiotapes and videotapes. The draft does, however, require that the packages of CD's and DVD's include information about whether CD's and DVD's may be copied onto audiotapes and videotapes.
3. I have assumed, for purposes of this draft, that you did not intend to include CD's containing only computer programs within the scope of the proposal. As drafted, however, such CD's are arguably included. It is very difficult to define the terms "compact disc" and "digital video disc" in such a way as to absolutely exclude all such types of CD's. Please contact me if the definitions in the draft are broader in scope than you intended.

Please feel free to contact me if you have any other questions concerning this draft.

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